

~~MP 15 #6~~

## A

A circular black ink stamp from the Office of Intellectual Property (OIP). The text "OIP" is at the top, "JUL 10 2002" is in the center, and "PATENT &amp; TRADEMARK OFFICE" is around the bottom. The number "8" is visible to the left of the stamp.

)  
)  
) Group Art Unit: Unassigned  
)  
) Examiner: Unassigned  
)  
)

) Examiner: Unassigned

) )

Commissioner of Patents  
**BOX MISSING PARTS**  
Washington, D.C. 20231

## RESPONSE TO NOTICE TO FILE MISSING PARTS

1. This replies to the Notice to File Missing Parts of Nonprovisional Application mailed December 10, 2001.

A copy of the Notice To File Missing Parts Of Nonprovisional Application is enclosed.

- ## 2. Declaration Or Oath

- ☒ Enclosed is a copy of the original Combined Declaration and Power of attorney filed in U.S. Application No. 08/753,038 filed November 18, 1996.
- ☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

- ☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

07/17/2002 BABRAHA1 00000024 500310 09991888  
04 FC:128 1960.00 CH

3. English Translation of Non-English Language Papers 04 FC:128 1960.00 CH
- ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

Also enclosed is the Verification of Translation Document.

- #### 4. Small Entity Status

- ☒ Small entity status under 37 C.F.R. § 1.27 no longer applies for the present application.



5. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total months requested	Fee for extension	[fee for Small Entity]
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$200.00
<input type="checkbox"/> three months	\$ 920.00	\$460.00
<input type="checkbox"/> four months	\$1,440.00	\$720.00
<input checked="" type="checkbox"/> five months	<b>\$1,960.00</b>	\$980.00

Extension of time fee due with this request: **\$1,960.00**

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ Applicants believe that no extension of time is required. However, in the event applicant has inadvertently overlooked the need for a petition and fee for extension of time, applicants hereby petition for such an extension and requests that any fee therefor be charged to our Deposit Account No. 50-0310.

6. Assignment

- ☐ An assignment of the invention to \_\_\_\_\_ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

7. Fee Calculation

				Fee Code
Basic Fee \$740.00			\$740.00	101/201
	Number Filed	Number Extra	at a Rate of (Lg./Sm Entity)	
Total Claims	17 - 20 =	0	\$18/\$9 each=	\$ 103/203
Independent Claims	5 - 3 =	2	\$84/\$42 each=	168.00 101/202
Multiple dependent claim(s), if any			\$280/\$140	\$ 104/204
SUB-TOTAL =			\$908.00	
Late Filing Surcharge Fee (37 C.F.R. § 1.16(e))			\$130/\$65	\$130.00 105/205
Extension Fee (37 C.F.R. § 1.17(a)(1)-(5))	\$110/\$55 (1 Month)			115/215
	\$400/\$200 (2 Months)			116/216
	\$920/\$460 (3 Months)			117/217
	\$1440/\$720 (4 Months)			118/218
	\$1960/\$980 (5 Months)		\$1960.00	128/228
SUB-TOTAL =			\$2998.00	
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(i) and § 1.52(d))			\$130.00	\$ 139
Assignment Recordation Fee			\$ 40.00	\$ 581
TOTAL FILING FEE =			\$2998.00	



ATTORNEY DOCKET NO. 44481-5025-03  
APPLICATION NO. 09/991,888  
Page 3

8. Fee Payment

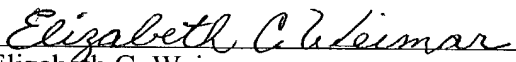
- ☒ The Commissioner is hereby authorized to charge the total fee due in the amount of **\$2,998.00** (Filing Fee of \$740; Late Filing Surcharge of \$130; Additional Independent Claim Fee (2) \$168 and Five-Month Extension of Time Fee of \$1960) to Deposit Account 50-0310.
- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

9. Additional papers enclosed.

- ☒ Preliminary Amendment
- ☒ Submission of Drawings with 6 sheets of drawings; 6 figures
- ☐ Claim for Priority
- ☐ Certified copy of priority document
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, \_\_ references as listed
- ☐ Declaration of Biological Deposit
- ☒ Request to Transfer "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☒ Other: Change of Correspondence Address

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

  
Elizabeth C. Weimar  
Reg. No. 44,478

Date: July 10, 2002

**CUSTOMER NO. 09629**  
MORGAN, LEWIS & BOCKIUS LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Telephone: (202) 739-3000  
Facsimile: (202) 739-3001



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D. C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/991,888	11/26/2001	Shengfeng Li	44481-5025-03

009629

MORGAN, LEWIS & BOCKIUS  
1800 M STREET NW  
WASHINGTON, DC 20036-5869

Docketed 12-13-02 Attorney MST/RGA/LJC  
Case 44481-5025-03  
Due Date 2-10-02  
Action Missing Parts  
By SDW Ck 158

CONFIRMATION NO. 4176  
FORMALITIES LETTER



\*OC000000007177104\*

Date Mailed: 12/10/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

07/17/2002 BABRAHA1 00000024 500310 09991888

01 FC:101 740.00 CH  
02 FC:105 130.00 CH  
03 FC:102 168.00 CH

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing  
*Applicant must submit \$ 370 to complete the basic filing fee for a small entity*
- Total additional claim fee(s) for this application is \$249
  - \$81 for 9 total claims over 20.
  - \$168 for 4 independent claims over 3
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(I) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 684.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm (3/8 inch),
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May

15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)**

---

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE